

Appl. No.: 10/077,081
TC/A.U.: 3711 Docket No.: B01-74
Reply to Office Action of September 23, 2004

ELECTION AND REMARKS

In the Office Action, the Examiner indicated that the Applicant must elect a single embodiment/species for prosecution. The Examiner identified the following

Groups/embodiments/species:

- I. Moisture vapor barrier layer comprising a copolymer of ethylene and methacrylic acid and a terpolymer of ethylene, a softening acrylic class ester and carboxylic acid; and
- II. Moisture vapor barrier layer comprising ethylene and methacrylic acid and a copolymer of ethylene and acrylic acid.

The Examiner further indicated that at least claims 1 and 35 are deemed generic.

For continuing the prosecution on the merits, Applicant elects Group II. It is the Applicant's belief that at least claims 1, 7-17, 35-46, 48-50, 52-63 and 65-67 read on this embodiment/species, with at least claims 1, 7-17, 35-46, 48-50, 52-62 and 65-67 being deemed generic.

Consequently, claims 2, 3, 64 and 68-73 have been withdrawn from consideration and will depend on the patentability of the generic subject matter. However, Applicant reserves the right to file one or more divisional applications directed to any subject matter not claimed in the current application.

Conclusion

Based on the remarks set forth above, Applicant believes that the claims of the subject application are acceptable for consideration on the merits. Should the Examiner have any further concerns or believe that a discussion with Applicant's attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission. However, if a fee is required, please charge the required fee to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

10-5-04
Date



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